

Notice of Allowability

Application No.

10/692,295

Examiner

Carl H. Layno

Applicant(s)

CONLEY ET AL.

Art Unit

3766

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Papers filed January 17, 2006.
2. ☒ The allowed claim(s) is/are 22-48 and 50-80.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 3/15/06.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. Acknowledgment is made of applicant's amendment, which was received by the Office on January 17, 2006.

2. Claims 1-21 and 49 are canceled. Claims 22-48 and 50-80 are active.

Specification

3. In view of the applicant's modifications to the specification, the Examiner is withdrawing the objections which were made against the specification in the last Office action.

Claim Rejections - 35 USC § 112

4. In view of applicant's modifications to the claims, the Examiner is withdrawing the 35 U.S.C 112 rejections, which were made against claims 79 and 80 in the last Office action.

Claim Rejections - 35 USC § 102/103

5. Upon further reconsideration of applicant's arguments and amendments to the claims, the Examiner is withdrawing the 35 U.S.C 102(b)/103(a) and 102(e) rejections of Wang (EP 0 310 216 A2) and Hsu et al (US 6,091,990), respectively, which were made against claims 22, 24, 33, 34, 36-38, 41, 42, 45, 48, 49, 52, 53, 55-57, 59, 65, 67, 75, 76, and 78 in the last Office action.

Examiner's Amendment

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Suneel Arora on March 15, 2006.

The application has been amended as follows:

- Claim 22, line 5, change the words "an instance" to the words "each instance",
- Claim 36, line 3, insert the word "individually" between the words "energy" and "associated",
- Claim 43, lines 2-3, change the words "the electrogram, the markers" to the words "an electrogram, markers",
- Claim 55, change the wording of the claim to read as follows:
"55. The method of claim 36, in which providing the alphanumeric indicator comprises displaying an alphanumeric indicator of pacing energy associated with each pulse.",
and
- Claim 56, line 1, change the words "the display includes" to the words " the act of displaying includes".

Allowable Subject Matter

7. Claims 22-48 and 50-80 are allowed.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Bornzin et al (US 2002/0095190 A1) U.S Patent Application Publication discloses an implantable pacing device whose programmer appears to display voltage annotations associated with individual pacing pulses (Figs.3 and 4). Unfortunately, this reference does not constitute usable prior art due to its defective filing date.

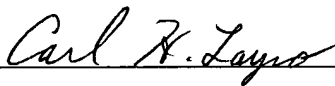
The Snell et al (US 5,724,985) patent describes a user interface for communicating with an implantable medical device. The interface includes display information showing and ECG waveform and, both atrial and ventricular pacing pulse energy information (i.e. pulse width and pulse amplitude values) in alphanumeric form. See Figs.4-6. Unlike applicant's claimed device, this device does not display alphanumeric energy annotations for each individual pace pulse.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl H. Layno whose telephone number is (571) 272-4949. The examiner can normally be reached on 9/4/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, reading "Carl R. Layno", is positioned above a horizontal line.

CARL LAYNO
PRIMARY EXAMINER

CHL
3/14/2006